

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)**

LEVESTER SMITH,	:	Case No. 3:22-cv-00203
	:	
Plaintiff,	:	District Judge Michael J. Newman
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
ROB STRECK, <i>et al.</i> ,	:	
	:	
Defendants.	:	

ORDER

This is a civil rights action under 42 U.S.C. § 1983, accompanied by state-law claims. Plaintiff initially filed his complaint through counsel but Defendants were not served as required by Rule 4 of the Federal Rules of Civil Procedure. It then came to the attention of the Court that Plaintiff's attorney was deceased. (*See* ECF No. 2.) The Court therefore ordered that Plaintiff file a status report indicating whether he intended to proceed with this matter. (*Id.*) Plaintiff has complied with that Order and informed the Court that he wishes to litigate this action *pro se*. (ECF No. 5, PageID 12.)

Defendants, however, remain unserved. Accordingly, the Court **ORDERS** Plaintiff to serve a copy of the complaint and summons upon each identified Defendant no later than ninety (90) days from the date of this Order, as required by Rule 4 of the Federal Rules of Civil Procedure. Failure to effectuate service upon Defendants may result in a report and recommendation that this matter be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

In addition, the Court **ORDERS** Plaintiff to serve upon Defendants or, if appearance has been entered by counsel, upon Defendants' attorney(s), a copy of every further pleading or other document which Plaintiff files with the Clerk of Court. Any such documents shall include a signed certificate of service stating the date on which a true and accurate copy of that document was served upon Defendants. The Court will disregard any document that is received by a District Judge or Magistrate Judge that fails to include a certificate of service or was not properly filed with the Clerk.

The Court **ORDERS** Plaintiff to familiarize himself with the Federal Rules of Civil Procedure, the Local Rules of the Southern District of Ohio, and District Judge Newman's Standing Order Governing Civil Cases. These materials and other resources are available on the Court's website (<https://www.ohsd.uscourts.gov/>).

The Court further **ORDERS** Plaintiff to promptly notify the Court of any change in address which occurs during the pendency of this matter.

Finally, the Court **DIRECTS** the Clerk of Court to update the docket to reflect that Plaintiff is now proceeding *pro se*.

IT IS SO ORDERED.

/s/ Caroline H. Gentry

Caroline H. Gentry
United States Magistrate Judge

Notice of Procedure on Objections

Pursuant to Fed. R. Civ. P. 72(a), any party may serve and file specific, written objections within **FOURTEEN** days after being served with this Order. Pursuant to Fed.

R. Civ. P. 6(d), this period is extended to **SEVENTEEN** days if this Order is being served by one of the methods of service listed in Fed. R. Civ. P. 5(b)(2)(C), (D), or (F). Such objections shall specify the portions of the Order objected to and shall be accompanied by a memorandum of law in support of the objections. If the Order is based in whole or in part upon matters occurring of record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections within **FOURTEEN** days after being served with a copy thereof.

Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).